

**Wittels  
McInturff  
Palikovic**

April 5, 2024

**Via ECF**

The Honorable Allyne R. Ross  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: Mirkin, et al. v. XOOM Energy, LLC, et al., No. 18 Civ. 2949 (ARR) (JAM)**

Dear Judge Ross,

On behalf of Plaintiff and the Class, we write to notify you that the following items were filed under seal earlier today in the above-captioned action in unredacted form, and served via email on defense counsel:

1. Plaintiff's Memorandum of Law in Opposition to Defendants' Motion to Decertify the Class, dated April 5, 2024;
2. The Declaration of J. Burkett McInturff in Opposition to Defendants' Motion to Decertify the Class, with annexed Exhibits, dated April 5, 2024.

ECF Nos. 200–201-5 (filed under seal).

Because Your Honor ordered the parties to file their submissions at the time Plaintiff's opposition was served, April 2, 2024 Text Order, Plaintiff filed the opposition under seal to provide defense counsel time to assess whether redactions and/or sealing are needed before the opposition becomes publicly available. Defense counsel expects to complete this task next week, and Plaintiff will either file redacted versions of the opposition papers or file the opposition on the public docket, depending on the outcome of defense counsel's assessment.

Thank you for the Court's attention to this matter.

Respectfully Submitted

/s/ Ethan D. Roman  
Ethan D. Roman

*Class Counsel for Plaintiff and the  
Class*

cc: All Counsel of Record (*via ECF*)